In the High Court of Uttaranchal at Nainital.

(Stay Application No. 10200/2006)
in
Criminal Writ Petition No. 980/2006(M/B)

Hari Singh Alias Harish Negi,
S/o Late Khusal Singh Negi,
R/o Village & Post Kundeshwari
P.S. Kashipur,
District Udham Singh Nagar ... Petitioner.

Versus

1- State of Uttaranchal
through S.S.P. Udham Singh Nagar.
2- S.H.O.P.S. Kashipur,
District Udham Singh Nagar.
3. B.B.R. Purushotam, Sub Divisional
Magistrate, Kashipur,
District Udham Singh Nagar ... Respondents.

Sri B.M. Pingal, learned counsel for the petitioner.
Sri D.K. Sharma, learned G.A. for the State.

Hon'ble B.C. Kandpal, J.
Hon'ble Prafulla C. Pant, J.

By way of this petition the petitioner has sought the following reliefs:-

(a) To issue a writ, order or direction in the nature of certiorari quashing the F.I.R. dated 7-8-2006, lodged by respondent No.3 U/Ss 147, 353 and 427 I.P.C. in case crime No. 4325/2006 against the petitioner at P.S. Kashipur, District Udham Singh Nagar.

(b) To issue a writ, order or direction in he nature of mandamus commanding the respondent nos. 1 and 2 not to arrest the petitioner in pursuance to the aforesaid FIR dated 7-8-2006.

2- Heard Sri B.M. Pingal, learned counsel for the petitioner, learned G.A. and perused the record.

3- Having considered the arguments advanced by the learned counsel for the parties and after perusal of the material available before us, we are of the opinion that the indulgence of the court is not required in the matter at this stage.

4- The writ petition lacks merit and is dismissed in limine.

5- However, in case the petitioner is arrested or surrenders before the court, his bail shall be heard without unreasonable delay.

6- With the above observation, the stay application also stands rejected.

(P.C. Pant, J.) **(B.C. Kandpal,J.)**

Dated: 11-08-2006
ISB